REMARKS

In the final Office Action, the Examiner makes the following rejections:

- Claims 1, 2, 3, 5, and 12 are rejected under 35 U.S.C.§ 103(a) as allegedly unpatentable over BUYUKKOC et al. (U.S. Patent No. 6,463,062), in view of GAI (U.S. Patent No. 6,167,445), and in further view of ISE et al. (U.S. Patent No. 6,999,419);

- Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of NOAKE et al. (U.S. Patent No. 6,751,222);

- Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of FARRIS (U.S. Patent No. 6,154,445);

- Claims 6, 8, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al. and in still further view of CHRISTIE et al. (U.S. Patent No. 6,690,656);

- Claims 14-16, 18, 31, 39, 42, 43, 45, and 58 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, and in still further view of SMITH (U.S. Patent No. 6,222,823);

- Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, in further view of ISE et al., and in still further view of VANDERVORT et al. (U.S. Patent No. 5,761,191) or HORN et al. (U.S. Patent No. 5,276,676);

- Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, and in still further view of BASSO (U.S. Patent No. 6,633,539);

- Claims 17 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in still further view of SMITH, and in even further view of NOAKE;

- Claims 19-21, 23-26, 46-48, and 50 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in still further view of SMITH, and in even further of view of CHRISTIE;

- Claims 22 and 49 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in still further view of SMITH, and in even further of view of FARRIS;

- Claims 38 and 65 are rejected under 35 U.S.C. § 103(a) allegedly as unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in still further view of SMITH, and in even further of view of BASSO et al.;

- Claims 27-29 and 54-56 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in still further view of SMITH, and in even further of view of KOBAYASHI et al. (U.S. Patent No. 5,896,371); and

- Claims 32-37 and 59-64 are rejected under 35 U.S.C. § 103(a) allegedly as unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE, in further view of SMITH, and in still further view of KILKKI (U.S. Patent No. 6,041,039);

- Claim 44 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, in further view of ISE et al., in further view of SMITH, and in still further view of NOAKE.

Applicants respectfully traverse the above rejections.

By way of the present amendment, Applicants propose to amend claims 1, 7-10, 12-14, 19, 22, 23, 25, 27-29, 31, 38, 39, 46, 49, 50, 54, 58, and 65 to improve form. No new matter has been added by way of the present amendment.

Claims 1-10, 12-29, 31-39, 42-50, 54-56, and 58-81 would remain pending upon entry of the of the proposed amendments, including claims 66-81 that are withdrawn in response to a prior restriction requirement.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, and ISE et al.

Claims 1, 2, 3, 5, and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, and in further view of ISE et al. Applicants respectfully traverse this rejection.

For example, claim 1 recites a method in an Asynchronous Transfer Mode (ATM) network including an ingress switch and an egress switch, where the ingress switch serves an ingress device operated by a calling party and the egress switch serves an egress device operated

by a called party, the method comprising: receiving, in the ingress switch, a first signaling message and a second signaling message from the ingress device; providing the first signaling message and the second signaling message to a signaling intercept processor associated with the ingress switch; propagating the first signaling message and the second signaling message from the signaling intercept processor to a policy server, the policy server being associated with a policy profile database, the policy profile database storing entries that relate subscribers to policies, where each policy identifies one or more policy features, of a group of policy features, with which the related subscriber is associated; identifying, in the policy profile database and based on the first signaling message and the second signaling message, a policy for the calling party; determining, in the policy server and based on the first signaling message and the second signaling message, that the policy for the calling party is to be enforced; executing, in the policy server and based on the first signaling message and the second signaling message, appropriate service logic for each policy feature of the one or more policy features identified by the policy for the calling party; determining whether a policy condition associated with each policy feature, of the one or more policy features identified by the policy for the calling party, is satisfied with respect to the first signaling message and the second signaling message, where the one or more policy features, identified by the policy for the calling party, comprises an aggregate bandwidth limit feature, and where determining whether the policy condition associated with each policy feature is satisfied comprises: identifying an available forward bandwidth from the ingress switch to the egress switch, identifying an available reverse bandwidth from the egress switch to the ingress switch, calculating a first requested bandwidth associated with the first signaling message, where the first requested bandwidth includes a first forward requested bandwidth from the ingress switch to the egress switch and a first reverse requested bandwidth from the egress

switch to the ingress switch, calculating a second requested bandwidth associated with the second signaling message, where the second requested bandwidth includes a second forward requested bandwidth from the ingress switch to the egress switch and a second reverse requested bandwidth from the egress switch to the ingress switch, determining that the available forward bandwidth exceeds the first forward requested bandwidth and that the available reverse bandwidth exceeds the first reverse requested bandwidth, determining an occurrence of at least one of: a total forward requested bandwidth, including the first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse requested bandwidth and the reverse second reverse bandwidth, exceeds the available reverse bandwidth, determining that the policy condition is satisfied for the aggregate bandwidth limit feature for the first signaling message, and determining that the policy condition is not satisfied for the aggregate bandwidth limit feature for the second signaling message, and forwarding, to the ingress device, a connection failure notice related to the second signaling message; and establishing a connection path, related to the first signaling message, between the ingress switch and the egress switch based on the determination that the policy condition is satisfied for each policy feature, of the one or more policy features identified by the policy for the calling party. BUYUKKOC et al., GAI, and ISE et al. do not disclose or suggest one or more of these features.

For example, BUYUKKOC et al., GAI, and ISE et al. do not disclose or suggest "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch." The Examiner admits that BUYUKKOC et al. and GAI do not disclose these features (Final Office Action at pages 11 and 12) and alleges that these features are disclosed in ISE et al., respectively,

at col. 4, lines 61-67 and at FIG. 18 and col. 18, lines 62-67 (Final Office Action at pages 2, 12, and 13). Applicants respectfully disagree with the Examiner's interpretation of ISE et al.

At col. 4, lines 61-67, ISE et al. states:

> In order for the edge node to obtain the remaining resources, the communication resources that can be allocated to each set of flows can be set up in advance such that the prescribed communication quality can be satisfied, or the remaining resources on the route can be notified to the edge node by exchanging messages among nodes on the route from the ingress node to the egress node of the network.

This section of ISE et al. discloses, for example, that an edge node receives notification of remaining resources on a route between an ingress node to an egress node based on exchanged messages among nodes on the route, and the edge node allocates communications resources to flows based on the notification. Without acquiescing in the Examiner's apparent allegation that the remaining resources on the route between the ingress node and the egress node corresponds to available bandwidth on this route (a point that Applicants do not concede), Applicants submit that nothing in this or another sections of ISE et al. discloses or suggests the "available forward bandwidth" and the "available reverse bandwidth," recited in claim 1. Rather, as would be readily understood by one of ordinary skill in the art, a flow is a one direction transmission of a group of packets (see, for example, ISE et al. at col. 8, lines 15-45). Thus, this section of ISE et al. relates to determining available resource for a flow, in a single direction, between the ingress node and the egress node, and does not relate to bandwidth, let alone an available forward bandwidth and an available reverse bandwidth.

For at least these reasons, this section of ISE et al. does not disclose or suggest "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch," as recited in claim 1.

> At col. 18, line 62-col. 19, line 3, ISE et al. discusses FIG. 18 and states:
>
> On the other hand, the egress edge node transmits the remaining bandwidth notification packet. The core node that received this remaining bandwidth notification packet judges whether the received link is the output link of the flow group described in that packet, and if it is the output link, the value of the remaining bandwidth described in this packet and the value of the remaining bandwidth at the own node are compared, and the remaining bandwidth notification packet with the smaller one of these written therein is transmitted toward all the links other than the received link.

This section of ISE et al. discloses, for example, that "the egress edge node transmits the remaining bandwidth notification packet." As further disclosed is ISE et al. at col. 6, lines 17-29, the remaining bandwidth notification packet includes a flow group identifier, an identifier of a node transmitting the remaining bandwidth notification packet, and a remaining bandwidth field indicating an amount of available bandwidth, on a route from the egress node, for the identified flow group. At the outset, Applicants respectfully note that this section merely relates to using the remaining bandwidth notification packet to determine remaining resources on a route between an ingress node to an egress node. Thus, while the remaining bandwidth notification packet is sent from the egress node to the ingress node, this section of ISE et al. does not disclose or "identifying an available reverse bandwidth from the egress switch to the ingress switch," as recited in claim 1. Moreover, as noted above, the "available bandwidth" identified in the remaining bandwidth notification packet is specific to a particular flow group and does not provide any indication of available bandwidth on the link, as alleged by the Examiner.

For at least these reasons, this section of ISE et al. does not disclose or suggest "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch," as recited in claim 1.

In response to similar arguments presented in Applicants' response dated February 4, 2011, the Examiner alleges the following, in the final Office Action at page 2:

> ISE discloses notifying of remaining resources along the route from the ingress to the egress node (column 4 lines 61-67). ISE discloses bandwidth can be the remaining resource (column 18 lines 62-67). Therefore ISE discloses identifying an available bandwidth from in between the ingress and the egress switch. Since the broadest reasonable interpretation of the claim language in view of the specification does not limit that the available forward and reverse bandwidths to be two different values, the remaining bandwidth along the route would satisfy both values. Therefore ISE discloses "identifying an available forward bandwidth from the ingress switch to the egress switch" and "identifying an available reverse bandwidth from the egress switch to the ingress switch".

Applicants respectfully disagree and submit that the indication of the remaining resources on the route, as disclosed in this section of ISE et al., does not reasonably correspond to the recitations of "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch," as understood by one of ordinary skill in the art. While the Examiner is to interpret claim features according to a broadest reasonable interpretation, the Examiner is not permitted to interpret claim features in an unreasonable fashion, such as to ignore expressly recited claim features (See, for example, M.P.E.P. § 2143.03 which states that the Examiner must consider each and every claim feature in a proper rejection under 35 U.S.C. § 103(a)).

Applicants again respectfully note that, as described above, the applied sections of ISE et al. disclose, for example, that a separate available bandwidth is identified for each flow or related group of flows in a single direction, between ingress and egress nodes. Moreover, despite the Examiner's allegations, ISE et al. does not disclose or suggest, in any way, that the available bandwidth between the ingress and egress nodes corresponds, in any way, to the available bandwidth between the egress and ingress nodes, as would be required of ISE et al. based on the Examiner's unreasonable interpretation of claim 1. Furthermore, since ISE et al. relates to flows

in one direction, one of skill in the art would not be motivated to modify ISE et al., in the manner suggested by the Examiner to determine both an available forward bandwidth and an available reverse bandwidth.

For at least these reasons, the applied sections of ISE et al. do not disclose or suggest "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch," as recited in claim 1.

Since BUYUKKOC et al., GAI, and ISE et al., whether considered alone or in any reasonable combination, do not disclose or suggest "identifying an available forward bandwidth from the ingress switch to the egress switch," and "identifying an available reverse bandwidth from the egress switch to the ingress switch," as recited in claim 1, BUYUKKOC et al., GAI, and ISE et al. cannot be reasonably construed to disclose or suggest "determining an occurrence of at least one of: a total forward requested bandwidth, including the first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse requested bandwidth and the second reverse requested bandwidth, exceeds the available reverse bandwidth," as further recited in claim 1. The Examiner admits that BUYUKKOC et al. and GAI do not disclose or suggest this feature (Final Office Action at page 12) and alleges that this feature is disclosed in ISE et al. at col. 4, lines 30-60 and col. 18, lines 9-21 (Final Office Action at pages 3, 13, and 14). Applicants respectfully disagree with the Examiner's interpretation of ISE et al.

At col. 4, lines 30-60, ISE et al. states:

> According to one aspect of the present invention there is provided a method for managing communication resources in a network containing edge nodes located at

> a boundary of the network and core nodes located inside the network, comprising the steps of: (a) storing at one edge node an information for obtaining an available amount of communication resources that can be newly allocated in the network to one set of flows which share at least a route from said one edge node to an egress node of the network; (b) carrying out an admission control at said one edge node by newly receiving a request for allocation of communication resources for one flow belonging to said one set of flows, judging whether or not to accept the request according to a requested amount of communication resources and the available amount of communication resources as obtained from the information stored at the step (a) for said one set of flows, and allocating requested communication resources to said one flow when it is judged that the request is to be accepted; and (c) transmitting packets at said one edge node by describing a priority level in each packet according to an amount of communication resources allocated to a flow of the packets at the step (b), such that a core node carries out a transfer processing with respect to received packets according to the priority level described in each received packet.
>
> In this aspect, the edge node can check whether the remaining resources (resources that can be newly allocated) are sufficient or not before accepting the resource allocation request for some flow, so that it is possible to transfer packets of the flow such that the communication quality of the accepted flow can be satisfied even when arrived packets of that flow uses the requested resources fully, in this network.

This section of ISE et al. discloses, for example, that an edge node checks whether the remaining resources between the edge node and an egress node are sufficient before accepting a resource allocation request for a flow from the edge node to the egress node. At the outset, Applicants notes that this section of ISE et al. relates to a flow travelling in one direction from the edge node and the egress node such that the available resources are not applicable to the "total reverse requested bandwidth" recited in claim 1 (emphasis added). Moreover, this section of ISE et al. relates to evaluating a single transmission and does not disclose or suggest anything that could reasonably correspond to the first forward requested bandwidth and the second forward requested bandwidth, recited in claim 1.

For at least these reasons, this section of ISE et al. does not disclose or suggest "determining an occurrence of at least one of: a total forward requested bandwidth, including the

first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse requested bandwidth and the second reverse requested bandwidth, exceeds the available reverse bandwidth," as recited in claim 1.

> At col. 18, lines 9-21, ISE et al. states:
>
> Each edge node stores the remaining bandwidth so notified along with the corresponding flow group identifier, and overwrites the stored content when a new remaining bandwidth notification packet having the same flow group identifier is received.
>
> In this way, it becomes possible for the edge node 201, for example, to make a judgement as to whether or not to accept the bandwidth reservation request upon newly receiving the bandwidth reservation request for the flow belonging to the flow group indicated by the flow group identifier (193.20.0.0, 255.255.0.0, 0.0.0.0, 0.0.0.0), according to whether the requested bandwidth is smaller than 500 [Kbps] or not, by referring to the above described stored content.

This section of ISE et al. discloses, for example, that an edge node stores a remaining bandwidth value and uses this value to evaluate a bandwidth reservation request. At the outset, Applicants notes that this section of ISE et al. relates to a flow travelling in one direction from the edge node and the egress node such that the available resources are not applicable to the "total reverse requested bandwidth" recited in claim 1 (emphasis added). Moreover, this section of ISE et al. relates to evaluating a single transmission and does not disclose or suggest anything that could reasonably correspond to the first forward requested bandwidth and the second forward requested bandwidth, recited in claim 1.

For at least these reasons, this section of ISE et al. does not disclose or suggest "determining an occurrence of at least one of: a total forward requested bandwidth, including the first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse

requested bandwidth and the second reverse requested bandwidth, exceeds the available reverse bandwidth," as recited in claim 1.

In response to similar arguments presented in Applicants' response dated February 4, 2011, the Examiner alleges the following, in the final Office Action at page 3:

> ISE discloses evaluating to determine whether a requested bandwidth exceeds and available bandwidth (column 4 lines 30-60 and column 18 lines 9-12). Therefore based on the broadest reasonable interpretation consistent with the art and the specification, ISE was disclose determining this for a second occurrence requesting bandwidth when the first occurrence has been accepted would satisfy the claim language. Since ISE would remove the first occurrence's bandwidth requested from the total remaining bandwidth, the second occurrence's requested bandwidth and the first occurrence's requested bandwidth would be checked with the original available bandwidth (B2<= Remaining Bandwidth - Bl which is equal to BI+B2 <= Remaining Bandwidth). Therefore ISE discloses "determining an occurrence of at least one of: a total forward requested bandwidth, including the first requested forward bandwidth and the second requested forward bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first requested reverse bandwidth and the second requested reverse bandwidth, exceeds the available reverse bandwidth."

Applicants respectfully disagree and submit that "evaluating to determine whether a requested bandwidth exceeds and available bandwidth," as allegedly disclosed in this section of ISE et al., does not reasonably correspond to "determining an occurrence of at least one of: a total forward requested bandwidth, including the first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse requested bandwidth and the second reverse requested bandwidth, exceeds the available reverse bandwidth," as understood by one of ordinary skill in the art. While the Examiner is to interpret claim features according to a broadest reasonable interpretation, the Examiner does not have license to interpret claim features in an unreasonable fashion to ignore expressly recited claim features (See, for example, M.P.E.P. § 2143.03 which

states that the Examiner must consider each and every claim feature in a proper rejection under 35 U.S.C. § 103(a)).

Applicants again respectfully note that, as described above, the applied sections of ISE et al. disclose, for example, that a separate available bandwidth is identified for each flow or related group of flows in a single direction, between ingress and egress nodes. Moreover, despite the Examiner's allegations, ISE et al. does not disclose or suggest, in any way, that the available bandwidth between the ingress and egress nodes corresponds, in any way, to the available bandwidth between the egress and ingress nodes, as would be required of ISE et al. based on the Examiner's unreasonable interpretation of claim 1.

For at least these reasons, the applied sections of ISE et al. do not disclose or suggest "determining an occurrence of at least one of: a total forward requested bandwidth, including the first forward requested bandwidth and the second forward requested bandwidth, exceeds the available forward bandwidth, or a total reverse requested bandwidth, including the first reverse requested bandwidth and the second reverse requested bandwidth, exceeds the available reverse bandwidth," as recited in claim 1.

For at least the foregoing reasons, claim 1 is patentable over BUYUKKOC et al., GAI, and ISE et al., whether considered alone or in any reasonable combination. Claims 2, 3, 5, and 12 depend from claim 1. Without acquiescing in the Examiner's allegations, Applicants submit that these claims are patentable over BUYUKKOC et al., GAI, and ISE et al., whether considered alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims are separately patentable for reasons of their own.

Claim 12 recites that "the one or more policy features, identified by the policy for the calling party, further comprises a service class selection feature," and that "determining whether

the policy condition associated with each policy feature is satisfied comprises: determining a requested class of service based on at least one of the first signaling message or the second signaling message, determining whether the requested class of service is permitted for a customer logical port with which the calling party is associated; and determining that the policy condition is satisfied for the service class selection feature when the requested class of service is permitted for the customer logical port with which the calling party is associated." BUYUKKOC et al., GAI, and ISE et al. do not disclose or suggest one or more of these features.

For example, BUYUKKOC et al., GAI, and ISE et al. do not disclose or suggest "determining whether the requested class of service is permitted for a customer logical port with which the calling party is associated; and determining that the policy condition is satisfied for the service class selection feature when the requested class of service is permitted for the customer logical port with which the calling party is associated." The Examiner alleges that these features are disclosed in GAI at col. 3, lines 5-65, col. 5, lines 5-45, and col. 11, line 1- col. 12, line 40 (final Office Action at page 17). Applicants respectfully disagree with the Examiner's interpretation of GAI.

At col. 3, lines 5-65 (not reproduced for the sake of brevity), GAI discloses, for example, that internet protocol (IP) header 200, in an IP packet, may include type of service (TOS) field 202 and differentiated services (DS) field 220, and that layer 3 devices may handle the IP packet according to the TOS field 202 and/or DS field 220. Without acquiescing in the Examiner's apparent allegation that handling of the IP packet corresponds to the recited requested class of service, Applicants submit that this section of GAI does not relate, in any way, to a customer logical port with which the calling party is associated. Thus, this section of GAI cannot possibly be construed to disclose or suggest "determining whether the requested class of service is

permitted for a customer logical port with which the calling party is associated; and determining that the policy condition is satisfied for the service class selection feature when the requested class of service is permitted for the customer logical port with which the calling party is associated," as recited in claim 12.

At col. 5, lines 5-45 (not reproduced for the sake of brevity), GAI discloses, for example, that an allocation of network resources among various devices, such as asynchronous transfer mode (ATM) channels, may be used for applying traffic management policies. Without acquiescing in the Examiner's apparent allegation that the allocation of network resources among the numerous devices relates to the recited "requested class of service," Applicants that this section of GAI does not relate, in any way, to a customer logical port with which the calling party is associated. Thus, this section of GAI cannot possibly be construed to disclose or suggest "determining whether the requested class of service is permitted for a customer logical port with which the calling party is associated; and determining that the policy condition is satisfied for the service class selection feature when the requested class of service is permitted for the customer logical port with which the calling party is associated," as recited in claim 12.

At claim 11, line 1- col. 12, line 40 (not reproduced for the sake of brevity), GAI discloses, for example, that handling of packets may depend on a combination of information associated with the packets, such as a traffic type, a differentiated services (DS) value, an associated network user, and an associated device. Without acquiescing in the Examiner's apparent allegation that the handling of packets somehow relates to the recited "requested class of service," Applicants submit that this section of GAI does not relate, in any way, to a customer logical port with which the calling party is associated. Thus, this section of GAI cannot possibly be construed to disclose or suggest "determining whether the requested class of service is

permitted for a customer logical port with which the calling party is associated; and determining that the policy condition is satisfied for the service class selection feature when the requested class of service is permitted for the customer logical port with which the calling party is associated," as recited in claim 12.

The disclosures in BUYUKKOC et al. and ISE et al. do not remedy the deficiencies in the disclosure of GAI identified above with respect to the claim 12.

For at least the foregoing additional reasons claim 12 is patentable over BUYUKKOC et al., GAI, and ISE et al., whether considered alone or in any reasonable combination.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 2, 3, 5, and 12 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI., and ISE et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al. and NOAKE et al.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. Without acquiescing in the Examiner's allegations, Applicants submit that the disclosure of NOAKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 4 is patentable over BUYUKKOC et al., GAI, ISE et al., and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 4 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and NOAKE et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and CHRISTIE et al.

Claims 6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, in further view of ISE et al., and in still further view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 6, 8, and 9 depend from claim 1. Without acquiescing in the rejection of claims 6, 8, and 9, Applicants submit that the disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claims 6, 8, and 9 are patentable over BUYUKKOC et al., GAI, ISE et al., and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 6, 8, and 9 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and CHRISTIE et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and FARRIS et al.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of FARRIS et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. Without acquiescing in the rejection of claim 7, Applicants submit that the disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 7 is patentable over BUYUKKOC et al., GAI, ISE et al., and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and FARRIS et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and one of VANDERVORT et al. or HORN et al.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI, , in further view of ISE et al., and in further view of VANDERVORT et al. or HORN et al. Applicants respectfully traverse this rejection.

Claim 10 depends from claim 1. Without acquiescing in the rejection of claim 10, Applicants submit that the disclosures of VANDERVORT et al. and HORN et al. do not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 10 is patentable over BUYUKKOC et al., GAI, ISE et al., and VANDERVORT et al. and over BUYUKKOC et al., GAI, ISE et al., and HORN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 10 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and VANDERVORT et al./HORN et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and BASSO et al.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of BASSO et al. Applicants respectfully traverse this rejection.

Claim 13 depends from claim 1. Without acquiescing in the rejection of claim 13, Applicants submit that the disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 13 is patentable over BUYUKKOC et al., GAI, ISE et al., and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 13 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and BASSO et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., and SMITH

Claims 14-16, 18, 31, 39, 42, 43, 45, and 58 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further of view of SMITH. Applicants respectfully traverse this rejection.

Independent claims 14 and 39 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. The disclosure in SMITH does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, and ISE et al. set forth above with respect to claim 1. Therefore, Applicants submit that claims 14 and 39 are patentable

over BUYUKKOC et al., GAI, ISE et al., and SMITH, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claims 15, 16, 18, 31, 42, 43, 45, and 58 depend from one of claims 14 and 39. Therefore, these claims are patentable over BUYUKKOC et al., GAI, ISE et al., and SMITH, whether considered alone or in any reasonable combination, for at least the reasons given with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 14-16, 18, 31, 39, 42, 43, 45, and 58 under 35 U.S.C. § 103(a) based on over BUYUKKOC et al., GAI, ISE et al., and SMITH.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and NOAKE et al.

Claims 17 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., in even further view of SMITH, and in still further view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 17 depends from claim 14; and claim 44 depends from claim 39. Without acquiescing in the rejection of claims 17 and 44, Applicants submit that the disclosure of NAOKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 17 and 44 are patentable over BUYUKKOC et al., GAI, ISE et al., SMITH, and NAOKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 17 and 44 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and NAOKE et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and CHRISTIE et al.

Claims 19-21, 23-26, 46-48, and 50 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., in still further view of SMITH, and in even further view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 19-21, 23-26, 46-48, and 50 depend from one of claims 14 and 39. Without acquiescing in the rejection of these claims, Applicants submit that the disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 19-21, 23-26, 46-48, and 50 are patentable over BUYUKKOC et al., GAI, ISE et al., SMTIH, and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 19-21, 23-26, 46-48, and 50 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and CHRISTIE et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and FARRIS et al.

Claims 22 and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of SMITH, and in even further view of FARRIS et al. Applicants respectfully traverse this rejection.

Claims 22 and 49 depend from one of claims 14 and 39. Without acquiescing in the rejection of claims 22 and 49, Applicants submit that the disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 22 and 49 are patentable over BUYUKKOC et al., GAI, ISE et al., SMTIH, and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 22 and 49 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and FARRIS et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and KOBAYASHI et al.

Claims 27-29 and 54-56 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in still further view of SMITH, and in even further view of KOBAYASHI et al. Applicants respectfully traverse this rejection.

Claims 27-29 and 54-56 depend, respectively, from claims 14 and 39. Without acquiescing in the rejection of claims 27-29 and 54-56, Applicants submit that the disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 27-29 and 54-56 are patentable over BUYUKKOC et al., GAI, ISE et al., SMTIH, and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 27-29 and 54-56 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and KOBAYASHI et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and KILKKI et al.

Claims 32-37 and 59-64 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., and in further view of SMITH, and in still further view of KILKKI et al. Applicants respectfully traverse this rejection.

Claims 32-37 and 59-64 depend, respectively, from claims 14 and 39. Without acquiescing in the rejection of claims 32-37 and 59-64, Applicants submit that the disclosure of KILKKI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 32-37 and 59-64 are patentable over BUYUKKOC et al., GAI, ISE et al., SMITH, and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully

request that the Examiner reconsider and withdraw the rejection of claims 32-37 and 59-64 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and KILKKI et al.

Rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and BASSO et al.

Claims 38 and 65 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al., in view of GAI, in further view of ISE et al., in still further view of SMITH, and in even further view of BASSO et al. Applicants respectfully traverse this rejection.

Claims 38 and 65 depend, respectively, from claims 14 and 39. Without acquiescing in the rejection of claims 38 and 65, Applicants submit that the disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al., GAI, ISE et al., and SMITH set forth above with respect to claims 14 and 39. Therefore, Applicants submit that claims 38 and 65 are patentable over BUYUKKOC et al., GAI, ISE et al., SMTIH, and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 14 and 39. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 38 and 65 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI, ISE et al., SMITH, and BASSO et al.

Conclusion

In view of the foregoing proposed amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the claims.

Entry of the proposed amendments is respectfully requested under 37 C.F.R. § 1.116 since the proposed amendments do not add new matter and serve solely to improve the form of

the claims. Moreover, the proposed amendments place the claims in better condition for appeal if the Examiner chooses to maintain the final rejections of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the final Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding Official Notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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